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7 IN THE UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 OAKLAND DIVISION

10

11 THE UNITED STATES OF AMERICA,) CASE NO.: 10-CR-00917-SBA-1
12 Plaintiffs,)
13 vs.) **AMENDED STIPULATION AND ORDER
14 ARMANDO ORNELAS) RE CONTINUANCE OF PLEA AND
Defendant.) SENTENCE HEARING**
15)
16)

17 Armando Ornelas, by and through his counsel, Jesse Garcia, and the United States
18 Government, by and through its counsel, Joseph Patrick Audal, Assistant United States Attorney,
19 jointly stipulate and respectfully request the Court to reset the sentencing hearing presently set for
20 October 26, 2011, be re-scheduled for November 16, 2011, at 10:00 a.m. The reason of this
21 continuance is based on the following:

22 Defendant is researching the proposed amendment to the Sentencing Guidelines which we
23 believe may affect the sentence to be imposed in this case. The proposed amendment to the
24 Guidelines is effective November 1, 2011, therefore we are proposing a short continuance until after
25 that date.

26 Further, time in this case should be excluded in accordance with the Speedy Trial Act, 18

1 U.S.C. § 3161(h)(7)(A) and (B)(iv) for adequate preparation of defense counsel and continuity of
2 counsel, taking into account due diligence.

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4 DATED: October 20, 2011

Respectfully submitted,

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6 /s/JESSE GARCIA
7 Attorney for Defendant
ARMANDO ORNELAS

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9 DATED: October 20, 2011

/s/ JOSEPH AUDAL
JOSEPH AUDAL
10 Authorized to sign for JOSEPH AUDAL
11 Assistant United States Attorney
on October 20, 2011

12
13 **ORDER**

14 IT IS HEREBY ORDERED that the change of plea and sentencing in this case, currently
15 scheduled on October 26, 2011, at 10:00 a.m., be continued to November 16, 2011, at 10:00 a.m.

16 IT IS FURTHER ORDERED that the time from the date of this Order to November 16, 2011,
17 should be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective
18 preparation of counsel and continuity of counsel. The Court finds that the ends of justice served by
19 granting the continuance outweigh the best interest of the public and the defendant in a speedy and
20 public trial, and the failure to grant the requested continuance would unreasonably deny counsel the
21 reasonable time necessary for effective preparation and continuity of counsel, taking into account due
22 diligence.

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24 IT IS SO ORDERED.

25
26 DATED: 10/25/11


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge

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28 AMENDED STIPULATION AND ORDER TO CONTINUE SENTENCING
U.S.A. v. ARMANDO ORNELAS 10-CR-00917-1-SBA-1